

MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C.

ATTORNEYS AT LAW

www.mooclaw.com

ELMSFORD OFFICE
530 Saw Mill River Road
Elmsford, NY 10523
(914) 345-3701 Fax: (914) 345-3743

James M. Skelly
Member NY Bar
jmskelly@mooclaw.com

April 3, 2008

VIA FACSIMILE: (212) 805-7906

Honorable Denny Chin
United States District Court
Southern District of New York
500 Pearl Street - Room1020
New York, New York 10007

**Re: Aneita Henry-Lee, individually and as the Administratrix of the Goods,
Chattels and Credits of Peter C. A. Lee v. The City of New York, et al.**

Docket No. : 08-cv-0089

Our File No. : 495.81515

Dear Honorable Judge Chin:

My office was retained last week to represent the defendant, JMR Rest. Corp., d/b/a Rory Dolans Restaurant Bar, in the above-captioned matter.

I immediately contacted counsel for plaintiff to request an extension of time to serve our Answer. He did not respond to my telephone calls and now advised me that he was on trial.

I reviewed the docket in PACER Service Center and Docket Number 6 dated February 29, 2008 reflects that the plaintiff served the Complaint on January 16, 2008, filed the Affidavit of Service on February 29, 2008 and our Answer is due April 4, 2008. Attached is a copy of the docket sheet for the Court's convenience.

On April 3, 2008, I served and filed an Answer to the Complaint on behalf of the defendant, JMR Rest. Corp., d/b/a Rory Dolans Restaurant Bar. I was contacted by plaintiff's counsel who advised that he will not consent to our filing our Answer and that we are in default.

I would request that the Court grant my application to have our Answer deemed filed timely and in accordance with the information on the PACER service Center.

{NY036833.1}

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Thank you very much for your consideration herein.

Respectfully submitted

**MARKS, O'NEILL, O'BRIEN
& COURTNEY, P.C.**

By: _____
James M. Skelly

JMS/ma
Enclosure

cc: **VIA FACSIMILE: (212) 661-8779**

THE ADAM LAW OFFICE, P.C.
275 Madison Avenue - Suite 1100
New York, New York 10016
(212) 661-8779

VIA FACSIMILE: (212) 788-9776

MICHAEL A. CARDOZO, ESQ.
CORPORATION COUNSEL
100 Church Street
New York, New York 10007
(212) 788-9776

VIA FACSIMILE: (914) 964-0563

CORPORATION COUNSEL, CITY OF YONKERS
City Hall, 40 South Broadway
Yonkers, New York 10701
(914) 964-0563

		Best Corp. (tro) (Entered: 01/09/2008)
01/04/2008		Magistrate Judge Gabriel W. Gorenstein is so designated. (tro) (Entered: 01/09/2008)
01/04/2008		Case Designated ECF. (tro) (Entered: 01/09/2008)
01/30/2008	<u>2</u>	ANSWER to Complaint with JURY DEMAND., CROSSCLAIM against all defendants. Document filed by City of Yonkers.(McCormick, Rory) (Entered: 01/30/2008)
01/30/2008	<u>3</u>	ANSWER to Crossclaim., ANSWER to Complaint with JURY DEMAND., CROSSCLAIM against all defendants. Document filed by Yonkers Police Department.(McCormick, Rory) (Entered: 01/30/2008)
02/07/2008	<u>4</u>	ENDORSED LETTER addressed to Judge Denny Chin from Arthur G Larkin dated 2/6/08 re: Defendants requests an extension of time to answer the complaint. ENDORSEMENT: Defendants' time to answer or otherwise respond to the complaint is extended until 4/4/08. (Signed by Judge Denny Chin on 2/6/08) (pl) (Entered: 02/07/2008)
02/11/2008	<u>5</u>	NOTICE OF APPEARANCE by Arthur Gabriel Larkin, III on behalf of The City of New York, New York City Police Department (Larkin, Arthur) (Entered: 02/11/2008)
02/29/2008	<u>6</u>	AFFIDAVIT OF SERVICE. JMR Best Corp. served on 1/16/2008, answer due 4/4/2008. Service was accepted by Rory Dolans. Document filed by Aneita Henry-Lee(individually). (Adam, Richard) (Entered: 02/29/2008)

PACER Service Center			
Transaction Receipt			
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